IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 3685 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Neel Helekar with Sushma Joshi for the petitioner.
Mrs. S.V. Bharucha for respondent.

CORAM : Dr. D.Y. CHANDRACHUD, J.
DATE : 30TH JUNE, 2006

P.C.

. The petitioner had moved a writ petition before this Court (W.P. No.8919/2004) and by an order dated 16th February, 2006, a learned Single Judge (Hon'ble Mr. Justice D.G. Karnik) declined to entertain the petition since a remedy was available by way of an appeal before the Appellate Authority under the Employees' Provident Funds and

Miscellaneous Provisions Act, 1952. However, the ad interim order of 3rd November, 2004 was continued for a period of 4 weeks to enable the petitioner to apply to the Appellate Authority for interim relief. The petitioner has not done so within 4 weeks and filed this second writ petition. It is not appropriate to entertain a second petition since the subject matter is the same as in the earlier petition.

2. Since the petitioner essentially seeks a modification of the order dated 16th February,2006 in the form of an extension of the order of stay, it is open for the petitioner to adopt appropriate proceedings by way of review before the same bench. This petition is accordingly disposed of.

(DR. D.Y. CHANDRACHUD, J.)